

HOUSE BILL 1139

Unofficial Copy  
E3

2004 Regular Session  
(4r1202)

**ENROLLED BILL**

-- Ways and Means/Education, Health, and Environmental Affairs --

Introduced by **Delegates Zirkin, Amedori, Barve, Brown, Burns, Cardin, Carter, Jones, Morhaim, O'Donnell, Shank, Simmons, Sophocleus, Trueschler, and ~~Vallario~~ Vallario, Bartlett, Boschert, Bozman, Crvor, C. Davis, Elmore, Gilleland, Goodwin, Gordon, Healey, Heller, Hixson, Howard, Kaiser, King, Marriott, McKee, Myers, Patterson, Ramirez, and Ross**

Read and Examined by Proofreaders:

\_\_\_\_\_  
Proofreader.

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Proofreader.

Sealed with the Great Seal and presented to the Governor, for his approval this \_\_\_\_\_ day of \_\_\_\_\_ at \_\_\_\_\_ o'clock, \_\_\_\_\_ M.

\_\_\_\_\_  
Speaker.

CHAPTER \_\_\_\_\_

1 AN ACT concerning

2 **Department of Juvenile Services *and Department of Education* -**  
3 **Enhancement of Programs**

4 FOR the purpose of establishing the Department of Juvenile Services Education  
5 ~~Department *Program*; requiring each facility established and operated by the~~  
6 ~~Department of Juvenile Services to have an education center; requiring each~~  
7 ~~education center to provide year round schooling; providing that each child in~~  
8 ~~the custody of the Department receive appropriate educational services;~~  
9 ~~providing that the Superintendent and Managing Director of Education in the~~  
10 ~~Department is responsible for the education of every child in the custody of the~~  
11 ~~Department; establishing the Department of Juvenile Services Board of~~  
12 ~~Education; providing for the appointment, terms, and removal of members of the~~

1 Board of Education; providing for the duties and responsibilities of the Board of  
 2 Education; requiring that each child in the custody of the Department be  
 3 assessed by the Education Department to determine the educational needs of  
 4 the child; requiring the Education Department to prepare a personal education  
 5 plan for each child; providing that the Education Department is responsible for  
 6 preparing, maintaining, and retaining the academic records for each child;  
 7 requiring the Board of Education to hire teachers and other school professional  
 8 staff subject to certain certification and requirements; requiring the Board of  
 9 Education to appoint all principals, teachers, and other certificated and  
 10 noncertificated personnel under certain circumstances; requiring the  
 11 Department to keep certain records; requiring a certain financially responsible  
 12 county to reimburse the Education Department a certain amount for each child  
 13 in the custody of the Department under certain circumstances; requiring the  
 14 State Board of Education to reimburse the Department for certain children  
 15 under certain circumstances; requiring the Department to submit an annual  
 16 report to the State Superintendent of Schools, the Governor, and the General  
 17 Assembly on the educational outcomes of each child in the custody of the  
 18 Department; requiring the State Superintendent of Schools to adopt certain  
 19 regulations; defining certain terms; requiring the Department of *Juvenile*  
 20 *Services* to cooperate with the State Department of Education to establish  
 21 certain programs; establishing a Juvenile Services Education Program in the  
 22 Department of Education; requiring the Department of Education to develop  
 23 and implement certain educational programs; requiring the Secretary, with the  
 24 concurrence of the State Superintendent, in consultation with the Secretary, to  
 25 appoint a director of the Juvenile Services Education Program; providing for the  
 26 salary and duties of the director; establishing the Coordinating Council for  
 27 Juvenile Services; providing for the membership, compensation, meetings, and  
 28 duties of the Council; requiring the Department of *Juvenile Services* to work  
 29 cooperatively with the State Department of Education for a certain purpose;  
 30 requiring the Secretary of *Juvenile Services* to adopt certain regulations;  
 31 requiring certain reports; requiring the director of the Juvenile Services  
 32 Education Program and the Coordinating Council for Juvenile Services  
 33 Education programs to assume control and management of certain educational  
 34 services on or before a certain date; providing for the transfer of certain  
 35 appropriations to the State Department of Education; and generally relating to  
 36 establishing the Department of Juvenile Services Education Department  
 37 *Program*.

38 BY repealing and reenacting, without amendments,

39 Article 83C - Juvenile Services  
 40 Section 2-118(a) and (e)  
 41 Annotated Code of Maryland  
 42 (2003 Replacement Volume)

43 BY repealing and reenacting, with amendments,

44 Article 83C - Juvenile Services  
 45 Section 2-118(b) and (f)

1 Annotated Code of Maryland  
2 (2003 Replacement Volume)

3 BY adding to

4 Article 83C - Juvenile Services  
5 Section 2-118(i)  
6 Annotated Code of Maryland  
7 (2003 Replacement Volume)

8 BY adding to

9 Article - Education  
10 Section 22-301 through 22-307 and 22-309 and 22-310 to be under the  
11 amended title "Title 22. Educational Services for Correctional Institutions,  
12 Juvenile Services, and Hospitals" and the amended subtitle "Subtitle 3.  
13 Juvenile Services Educational Programs"  
14 Annotated Code of Maryland  
15 (2001 Replacement Volume and 2003 Supplement)

16 BY repealing and reenacting, with amendments,

17 Article - Education  
18 Section 22-301  
19 Annotated Code of Maryland  
20 (2001 Replacement Volume and 2003 Supplement)  
21 (As enacted by Chapter 53 of the Acts of the General Assembly of 2003)

22 ~~BY adding to~~

23 ~~Article 83C - Juvenile Services~~  
24 ~~Section 5-101 through 5-112, inclusive, to be under the new title "Title 5.~~  
25 ~~Education Department"~~  
26 ~~Annotated Code of Maryland~~  
27 ~~(2003 Replacement Volume)~~

28 SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF  
29 MARYLAND, That the Laws of Maryland read as follows:

30 **Article 83C - Juvenile Services**

31 2-118.

32 (a) Each facility provided for in § 2-117 of this article shall operate under the  
33 control and general management of the Department.

34 (b) Subject to the provisions of Title 3, Subtitles 8 and 8A of the Courts Article,  
35 the Department shall:

36 (1) Adopt regulations that set:

1 (i) Policies for detention authorization, community detention,  
2 admission, transfer, discharge, and aftercare supervision; and

3 (ii) Standards of care, including provisions to administer any early,  
4 periodic screening diagnosis and treatment program that the Department approves  
5 for establishment under Title 42, § 1396d(a)(4)(B) of the United States Code and to  
6 treat appropriately any condition that the screening reveals; and

7 (2) Order any needed changes in the policy, conduct, or management of a  
8 [facility] STATE RESIDENTIAL PROGRAM to provide adequate care for the children  
9 and adequate services to the courts.

10 (e) The Department shall develop within each facility special programs that  
11 are designed to meet the particular needs of its population.

12 (f) The Department shall adopt regulations that require each [facility] STATE  
13 RESIDENTIAL PROGRAM to provide:

14 (1) [Educational] YEAR-ROUND EDUCATIONAL programs that are  
15 designed to meet the particular needs of its population;

16 (2) Medical and mental health assessment services;

17 (3) Alcohol abuse and drug abuse assessment services;

18 (4) Either alcohol abuse and drug abuse referral services or an alcohol  
19 abuse and drug abuse treatment program that has been certified in accordance with  
20 the requirements of Title 8 of the Health - General Article; and

21 (5) Programs that ensure a safe, humane, and caring environment.

22 (I) THE DEPARTMENT SHALL COOPERATE WITH THE STATE DEPARTMENT OF  
23 EDUCATION TO ESTABLISH EDUCATIONAL PROGRAMS AS REQUIRED UNDER TITLE  
24 22, SUBTITLE 3 OF THE EDUCATION ARTICLE.

25 ~~TITLE 5. EDUCATION DEPARTMENT.~~

26 ~~5-101.~~

27 ~~(A) IN THIS TITLE THE FOLLOWING WORDS HAVE THE MEANINGS INDICATED.~~

28 ~~(B) "BOARD" MEANS THE DEPARTMENT OF JUVENILE SERVICES BOARD OF~~  
29 ~~EDUCATION.~~

30 ~~(C) "EDUCATION DEPARTMENT" MEANS THE DEPARTMENT OF JUVENILE~~  
31 ~~SERVICES EDUCATION DEPARTMENT.~~

32 ~~(D) "STATE BOARD" MEANS THE STATE BOARD OF EDUCATION.~~

33 ~~(E) "STATE SUPERINTENDENT" MEANS THE STATE SUPERINTENDENT OF~~  
34 ~~SCHOOLS.~~

1 (F) ~~"SUPERINTENDENT" MEANS THE SUPERINTENDENT AND MANAGING~~  
2 ~~DIRECTOR OF EDUCATION IN THE DEPARTMENT OF JUVENILE SERVICES.~~

3 ~~5-102.~~

4 (A) ~~THERE IS AN EDUCATION DEPARTMENT IN THE DEPARTMENT.~~

5 (B) (1) ~~EACH FACILITY ESTABLISHED AND OPERATED BY THE DEPARTMENT~~  
6 ~~UNDER § 2-117 OF THIS ARTICLE SHALL HAVE AN EDUCATION CENTER WITHIN THE~~  
7 ~~FACILITY.~~

8 (2) ~~EACH EDUCATION CENTER SHALL PROVIDE YEAR-ROUND~~  
9 ~~SCHOOLING.~~

10 (C) ~~EACH CHILD UNDER THE JURISDICTION OF THE DEPARTMENT SHALL~~  
11 ~~RECEIVE APPROPRIATE EDUCATIONAL SERVICES PROVIDED BY THE EDUCATION~~  
12 ~~DEPARTMENT.~~

13 (D) ~~THE SUPERINTENDENT SHALL BE RESPONSIBLE FOR THE EDUCATION OF~~  
14 ~~EVERY CHILD UNDER THE JURISDICTION OF THE DEPARTMENT.~~

15 ~~5-103.~~

16 (A) ~~THERE IS A DEPARTMENT OF JUVENILE SERVICES BOARD OF EDUCATION.~~

17 (B) ~~THE BOARD CONSISTS OF FIVE VOTING MEMBERS JOINTLY APPOINTED BY~~  
18 ~~THE GOVERNOR AND THE SECRETARY FROM A LIST OF QUALIFIED INDIVIDUALS~~  
19 ~~SUBMITTED TO THE GOVERNOR AND THE SECRETARY BY THE STATE BOARD.~~

20 (C) (1) ~~EACH MEMBER SERVES FOR A TERM OF 3 YEARS BEGINNING JULY 1~~  
21 ~~AFTER THE APPOINTMENT AND UNTIL A SUCCESSOR IS APPOINTED AND QUALIFIES.~~

22 (2) ~~THE GOVERNOR AND THE SECRETARY SHALL APPOINT A NEW~~  
23 ~~MEMBER TO FILL ANY VACANCY FOR THE REMAINDER OF THAT TERM AND UNTIL A~~  
24 ~~SUCCESSOR IS APPOINTED AND QUALIFIES.~~

25 (3) ~~UNLESS OTHERWISE DISQUALIFIED UNDER THIS SECTION, A~~  
26 ~~MEMBER OF THE BOARD IS ELIGIBLE FOR REAPPOINTMENT. HOWEVER, AN~~  
27 ~~INDIVIDUAL MAY NOT SERVE FOR MORE THAN TWO CONSECUTIVE TERMS.~~

28 (D) (1) ~~WITH THE APPROVAL OF THE GOVERNOR, THE SECRETARY MAY~~  
29 ~~REMOVE ANY MEMBER OF THE BOARD APPOINTED UNDER THIS SECTION FOR:~~

30 (I) ~~IMMORALITY;~~

31 (II) ~~MISCONDUCT IN OFFICE;~~

32 (III) ~~INCOMPETENCY;~~

33 (IV) ~~WILLFUL NEGLECT OF DUTY; OR~~

1                   (V)     FAILURE TO ATTEND, WITHOUT GOOD CAUSE, AT LEAST HALF  
2 OF THE SCHEDULED MEETINGS OF THE BOARD IN ANY 1 CALENDAR YEAR.

3                   (2)     BEFORE REMOVING A MEMBER, THE SECRETARY SHALL SEND THE  
4 MEMBER A COPY OF THE CHARGES AGAINST THE MEMBER AND GIVE THE MEMBER  
5 AN OPPORTUNITY WITHIN 10 DAYS TO REQUEST A HEARING.

6                   (3)     IF A MEMBER REQUESTS A HEARING WITHIN THE 10 DAY PERIOD:

7                   (I)     THE SECRETARY SHALL PROMPTLY HOLD A HEARING, BUT A  
8 HEARING MAY NOT BE SET WITHIN 10 DAYS AFTER THE SECRETARY SENDS THE  
9 MEMBER A NOTICE OF THE HEARING; AND

10                  (II)    THE MEMBER SHALL HAVE AN OPPORTUNITY TO BE HEARD  
11 PUBLICLY BEFORE THE SECRETARY IN THE MEMBER'S OWN DEFENSE, IN PERSON,  
12 OR BY COUNSEL.

13                  (4)     IF A MEMBER WHO IS REMOVED SO REQUESTS, THE SECRETARY  
14 SHALL FILE WITH THE CLERK OF THE CIRCUIT COURT FOR THE COUNTY FROM  
15 WHICH THE MEMBER WAS APPOINTED:

16                  (I)     A COMPLETE STATEMENT OF ALL CHARGES MADE AGAINST  
17 THE MEMBER;

18                  (II)    THE FINDINGS OF THE SECRETARY; AND

19                  (III)   A COMPLETE RECORD OF THE PROCEEDINGS.

20                  (E)     EACH MEMBER OF THE BOARD SERVES WITHOUT COMPENSATION.

21                  (F)     (1)    ON APPOINTMENT OF THE BOARD, THE GOVERNOR AND THE  
22 SECRETARY SHALL JOINTLY SELECT ONE OF THE VOTING MEMBERS TO SERVE AS  
23 THE CHAIRMAN OF THE BOARD WHO SHALL SERVE THROUGH JUNE 30, 2006.

24                  (2)     BEGINNING ON JULY 1, 2006, AND EVERY 2 YEARS THEREAFTER,  
25 FROM AMONG ITS VOTING MEMBERS THE BOARD SHALL ELECT A CHAIRMAN.

26                  (G)     ANY ACTION BY THE BOARD SHALL REQUIRE:

27                  (1)     A QUORUM OF A MAJORITY OF THE VOTING MEMBERS THEN  
28 SERVING; AND

29                  (2)     THE AFFIRMATIVE VOTE OF A MAJORITY OF THE VOTING MEMBERS  
30 THEN SERVING.

1 ~~5-104.~~

2 ~~THE DEPARTMENT OF JUVENILE SERVICES BOARD OF EDUCATION SHALL:~~

3 ~~(1) TO THE BEST OF ITS ABILITY, CARRY OUT THE APPLICABLE~~  
4 ~~PROVISIONS OF THIS TITLE, THE EDUCATION ARTICLE, AND THE BYLAWS, RULES,~~  
5 ~~REGULATIONS, AND POLICIES OF THE STATE BOARD;~~

6 ~~(2) MAINTAIN THROUGHOUT THE EDUCATION DEPARTMENT A~~  
7 ~~REASONABLY UNIFORM SYSTEM OF EDUCATION CENTERS THAT ARE DESIGNED TO~~  
8 ~~PROVIDE QUALITY EDUCATION AND EQUAL EDUCATIONAL OPPORTUNITY FOR~~  
9 ~~CHILDREN IN THE CUSTODY OF THE DEPARTMENT;~~

10 ~~(3) SUBJECT TO THIS TITLE, THE EDUCATION ARTICLE, AND THE~~  
11 ~~APPLICABLE BYLAWS, RULES, AND REGULATIONS OF THE STATE BOARD,~~  
12 ~~DETERMINE, WITH THE ADVICE OF THE SUPERINTENDENT, THE EDUCATIONAL~~  
13 ~~POLICIES OF THE EDUCATION DEPARTMENT; AND~~

14 ~~(4) ADOPT, CODIFY, AND MAKE AVAILABLE TO THE PUBLIC BYLAWS,~~  
15 ~~RULES, AND REGULATIONS CONSISTENT WITH STATE LAW, FOR THE CONDUCT AND~~  
16 ~~MANAGEMENT OF THE EDUCATION CENTERS.~~

17 ~~5-105.~~

18 ~~SUBJECT TO THE APPLICABLE PROVISIONS OF THE EDUCATION ARTICLE AND~~  
19 ~~THE BYLAWS, BASIC POLICIES, AND GUIDELINES ESTABLISHED BY THE STATE~~  
20 ~~BOARD, THE BOARD, ON WRITTEN RECOMMENDATION OF THE SUPERINTENDENT,~~  
21 ~~SHALL:~~

22 ~~(1) ESTABLISH CURRICULUM GUIDES AND COURSES OF STUDY FOR THE~~  
23 ~~EDUCATION CENTERS UNDER ITS JURISDICTION; AND~~

24 ~~(2) SUPPLY PRINTED COPIES OF THESE MATERIALS TO ANY TEACHER~~  
25 ~~OR INTERESTED CITIZEN.~~

26 ~~5-106.~~

27 ~~(A) EACH CHILD IN THE CUSTODY OF THE DEPARTMENT SHALL BE ASSESSED~~  
28 ~~AS SOON AS POSSIBLE BY THE EDUCATION DEPARTMENT TO DETERMINE THE~~  
29 ~~EDUCATIONAL NEEDS OF THE CHILD.~~

30 ~~(B) AFTER AN ASSESSMENT HAS BEEN COMPLETED AS REQUIRED IN~~  
31 ~~SUBSECTION (A) OF THIS SECTION, THE EDUCATION DEPARTMENT SHALL PREPARE A~~  
32 ~~PERSONAL EDUCATION PLAN FOR THE CHILD.~~

33 ~~5-107.~~

34 ~~THE EDUCATION DEPARTMENT SHALL BE RESPONSIBLE FOR PREPARING,~~  
35 ~~MAINTAINING, AND RETAINING THE ACADEMIC RECORDS FOR EACH CHILD WHO IS~~  
36 ~~PLACED IN THE CUSTODY OF THE DEPARTMENT.~~

1 ~~5-108.~~

2 (A) ~~THE BOARD SHALL HIRE AND OTHERWISE UTILIZE TEACHERS AND OTHER~~  
3 ~~SCHOOL PROFESSIONAL STAFF WHO ARE SUBJECT TO THE SAME CERTIFICATION~~  
4 ~~AND QUALIFICATION REQUIREMENTS OF TITLE 6 OF THE EDUCATION ARTICLE.~~

5 (B) ~~THE PROVISIONS OF TITLE 6 OF THE EDUCATION ARTICLE SHALL APPLY~~  
6 ~~TO THE PERSONNEL OF THE EDUCATION DEPARTMENT.~~

7 ~~5-109.~~

8 ~~ON THE WRITTEN RECOMMENDATION OF THE SUPERINTENDENT AND SUBJECT~~  
9 ~~TO THE PROVISIONS OF THE EDUCATION ARTICLE, THE BOARD SHALL:~~

10 (1) ~~APPOINT ALL PRINCIPALS, TEACHERS, AND OTHER CERTIFICATED~~  
11 ~~AND NONCERTIFICATED PERSONNEL; AND~~

12 (2) ~~SET THEIR SALARIES.~~

13 ~~5-110.~~

14 (A) (1) ~~IN THIS SECTION THE FOLLOWING WORDS HAVE THE MEANINGS~~  
15 ~~INDICATED:~~

16 (2) ~~"LOCAL CURRENT EXPENSE PER STUDENT" MEANS ALL~~  
17 ~~EXPENDITURES MADE BY A COUNTY FROM COUNTY APPROPRIATIONS, EXCEPT~~  
18 ~~STATE, FEDERAL, AND OTHER AID, FOR PUBLIC ELEMENTARY AND SECONDARY~~  
19 ~~EDUCATION IN THE PRIOR FISCAL YEAR, DIVIDED BY THE FULL-TIME EQUIVALENT~~  
20 ~~ENROLLMENT, AS DEFINED IN § 5-202(A) OF THE EDUCATION ARTICLE.~~

21 (3) ~~"CHILD IN AN OUT-OF-HOME LIVING ARRANGEMENT" MEANS A~~  
22 ~~CHILD WHO IS IN THE CUSTODY OF THE DEPARTMENT.~~

23 (4) ~~"FINANCIALLY RESPONSIBLE COUNTY" MEANS:~~

24 (I) ~~THE COUNTY IN WHICH THE PARENT OR LEGAL GUARDIAN OF~~  
25 ~~A CHILD IN AN OUT-OF-HOME LIVING ARRANGEMENT RESIDES;~~

26 (II) ~~IF THE PARENTS OF THE CHILD LIVE APART, THE COUNTY IN~~  
27 ~~WHICH THE PARENT WHO HAS BEEN AWARDED CUSTODY OF THE CHILD RESIDES; OR~~

28 (III) ~~IF CUSTODY HAS NOT BEEN AWARDED, THE COUNTY IN WHICH~~  
29 ~~THE PARENT WITH WHOM THE CHILD LIVES WHEN NOT IN A FOSTER CARE HOME OR~~  
30 ~~RESIDENTIAL FACILITY RESIDES.~~

31 (B) ~~A CHILD WHO IS PLACED IN AN OUT-OF-HOME LIVING ARRANGEMENT~~  
32 ~~WITH THE DEPARTMENT SHALL RECEIVE AN APPROPRIATE EDUCATION FROM THE~~  
33 ~~EDUCATION DEPARTMENT.~~

34 (C) (1) ~~THE DEPARTMENT SHALL KEEP RECORDS CONCERNING:~~

1                   (I)     ~~THE NUMBER OF CHILDREN IN THE CUSTODY OF THE~~  
2 ~~DEPARTMENT;~~

3                   (II)    ~~THE FINANCIALLY RESPONSIBLE COUNTY FOR EACH CHILD;~~  
4 ~~AND~~

5                   (III)   ~~THE NUMBER OF DAYS THAT EACH CHILD IS IN THE CUSTODY~~  
6 ~~OF THE DEPARTMENT.~~

7                   (2)     ~~THE EDUCATION DEPARTMENT SHALL DETERMINE THE AMOUNT~~  
8 ~~EACH FINANCIALLY RESPONSIBLE COUNTY OWES THE EDUCATION DEPARTMENT~~  
9 ~~BASED ON THE LOCAL CURRENT EXPENSE PER STUDENT.~~

10                  (3)     ~~THE FINANCIALLY RESPONSIBLE COUNTY SHALL REIMBURSE THE~~  
11 ~~EDUCATION DEPARTMENT FOR THE EDUCATION OF EACH CHILD FROM THE~~  
12 ~~FINANCIALLY RESPONSIBLE COUNTY BASED ON THE NUMBER OF CHILDREN IN THE~~  
13 ~~CUSTODY OF THE DEPARTMENT FROM THE PRIOR YEAR.~~

14                  (D)    (1)     ~~EACH YEAR THE EDUCATION DEPARTMENT SHALL NOTIFY THE~~  
15 ~~STATE SUPERINTENDENT OF THE NAME OF EACH CHILD UNDER THE JURISDICTION~~  
16 ~~OF THE DEPARTMENT RECEIVING EDUCATIONAL SERVICES FROM THE EDUCATION~~  
17 ~~DEPARTMENT AND MAKE A PRELIMINARY DETERMINATION OF THE FINANCIALLY~~  
18 ~~RESPONSIBLE COUNTY FOR EACH CHILD. THE DEPARTMENT SHALL SEND A COPY OF~~  
19 ~~THIS NOTICE TO THE FINANCIALLY RESPONSIBLE COUNTY AND SHALL SEND THE~~  
20 ~~NOTICE TO THE STATE SUPERINTENDENT.~~

21                  (2)     ~~THE COUNTY WHICH WAS INITIALLY DETERMINED TO BE~~  
22 ~~FINANCIALLY RESPONSIBLE MAY APPEAL THAT DETERMINATION TO THE STATE~~  
23 ~~SUPERINTENDENT.~~

24                  (3)     ~~THE STATE SUPERINTENDENT SHALL DECIDE ALL APPEALS WHICH~~  
25 ~~ARE MADE UNDER PARAGRAPH (2) OF THIS SUBSECTION AND MAKE A FINAL~~  
26 ~~DETERMINATION REGARDING THE FINANCIALLY RESPONSIBLE COUNTY FOR EACH~~  
27 ~~CHILD IN THE CUSTODY OF THE DEPARTMENT.~~

28                  (4)     ~~EACH YEAR EACH COUNTY BOARD SHALL PROVIDE THE STATE~~  
29 ~~SUPERINTENDENT THE DATA NECESSARY TO COMPUTE THE LOCAL CURRENT~~  
30 ~~EXPENSE PER STUDENT UNDER THIS SECTION.~~

31                  (5)     ~~IF A FINANCIALLY RESPONSIBLE COUNTY FAILS TO MAKE THE~~  
32 ~~REQUIRED PAYMENT TO THE EDUCATION DEPARTMENT, THE STATE~~  
33 ~~SUPERINTENDENT SHALL DEDUCT FROM THE NEXT PAYMENT OF STATE AID TO THE~~  
34 ~~FINANCIALLY RESPONSIBLE COUNTY AN AMOUNT EQUAL TO THE AMOUNT OWED~~  
35 ~~UNDER THIS PARAGRAPH AND SHALL PAY THOSE FUNDS TO THE EDUCATION~~  
36 ~~DEPARTMENT.~~

1 ~~5-111.~~

2 ~~EACH YEAR THE DEPARTMENT SHALL SUBMIT AN ANNUAL REPORT TO THE~~  
3 ~~STATE SUPERINTENDENT, THE GOVERNOR, AND THE GENERAL ASSEMBLY ON THE~~  
4 ~~EDUCATIONAL OUTCOMES OF EACH CHILD IN THE CUSTODY OF THE DEPARTMENT.~~

5 ~~5-112.~~

6 ~~THE STATE SUPERINTENDENT SHALL ADOPT REGULATIONS TO CARRY OUT~~  
7 ~~THIS TITLE.~~

8 **Article - Education**

9 Title 22. Educational Services for Correctional Institutions, JUVENILE SERVICES,  
10 and Hospitals.

11 Subtitle 3. [Juvenile Residential Facilities] JUVENILE SERVICES EDUCATIONAL  
12 PROGRAMS.

13 22-301.

14 (A) IN THIS TITLE THE FOLLOWING WORDS HAVE THE MEANINGS INDICATED.

15 (B) "COUNCIL" MEANS THE EDUCATION COORDINATING COUNCIL FOR  
16 JUVENILE SERVICES EDUCATIONAL PROGRAMS.

17 (C) "DIRECTOR" MEANS THE DIRECTOR OF JUVENILE SERVICES  
18 EDUCATIONAL PROGRAMS.

19 (D) "FACILITY" MEANS A BUILDING OR BUILDINGS AND RELATED PHYSICAL  
20 INFRASTRUCTURE AT A GEOGRAPHICALLY DISTINCT LOCATION AT WHICH THE  
21 DEPARTMENT OF JUVENILE SERVICES OPERATES A PROGRAM.

22 (E) "PROGRAM" MEANS A DISCRETE AND DEFINED GROUPING OF SERVICES  
23 PROVIDED TO YOUTHS IN THE CUSTODY OF OR UNDER THE SUPERVISION OF THE  
24 DEPARTMENT OF JUVENILE SERVICES TO ADDRESS PREDETERMINED NEEDS.

25 (F) "RESIDENTIAL FACILITY" MEANS A FACILITY ESTABLISHED UNDER  
26 ARTICLE 83C, § 2-117 OF THE CODE.

27 (G) "SECRETARY" MEANS THE SECRETARY OF JUVENILE SERVICES.

28 (H) "STATE BOARD" MEANS THE STATE BOARD OF EDUCATION.

29 (I) "STATE SUPERINTENDENT" MEANS THE STATE SUPERINTENDENT OF  
30 SCHOOLS.

1 22-302.

2 THERE IS A JUVENILE SERVICES EDUCATION PROGRAM WITHIN THE  
3 DEPARTMENT.

4 22-303.

5 (A) (1) THE DEPARTMENT SHALL DEVELOP AND IMPLEMENT JUVENILE  
6 SERVICES EDUCATIONAL PROGRAMS AT ALL RESIDENTIAL FACILITIES OF THE  
7 DEPARTMENT OF JUVENILE SERVICES BY JULY 1, 2012.

8 (2) THIS SUBSECTION DOES NOT PROHIBIT THE DEPARTMENT FROM  
9 CONTRACTING WITH A PRIVATE PARTY TO PROVIDE EDUCATIONAL SERVICES FOR  
10 STUDENTS WITH SPECIAL NEEDS UNDER THE CONTROL AND GENERAL  
11 MANAGEMENT OF THE DEPARTMENT.

12 (B) ON OR BEFORE FEBRUARY 1, 2006, AND EVERY OTHER YEAR THEREAFTER  
13 UNTIL 2012, THE DEPARTMENT SHALL REPORT TO THE GOVERNOR AND, IN  
14 ACCORDANCE WITH § 2-1246 OF THE STATE GOVERNMENT ARTICLE, TO THE  
15 GENERAL ASSEMBLY ON THE DEPARTMENT'S IMPLEMENTATION OF THIS SUBTITLE,  
16 INCLUDING:

17 (1) THE IDENTIFICATION OF ALL RESIDENTIAL FACILITIES FOR WHICH  
18 THE DEPARTMENT HAS ASSUMED RESPONSIBILITY FOR THE EDUCATIONAL  
19 SERVICES; AND

20 (2) ALL FACILITIES FOR WHICH THE DEPARTMENT PLANS TO ASSUME  
21 RESPONSIBILITY DURING THE NEXT CALENDAR YEAR.

22 (C) THE DEPARTMENT'S RESPONSIBILITY FOR THE CHARLES H. HICKEY, JR.  
23 SCHOOL SHALL BE GOVERNED BY § 22-308 OF THIS SUBTITLE.

24 22-304.

25 (A) THE STATE SUPERINTENDENT, ~~WITH THE CONCURRENCE OF IN~~  
26 CONSULTATION WITH THE SECRETARY, SHALL APPOINT A DIRECTOR.

27 (B) THE DIRECTOR SHALL RECEIVE THE SALARY PROVIDED IN THE BUDGET  
28 OF THE STATE DEPARTMENT OF EDUCATION.

29 (C) THE DIRECTOR SHALL:

30 (1) BE RESPONSIBLE FOR THE EDUCATION OF EVERY CHILD IN A  
31 RESIDENTIAL FACILITY;

32 (2) ENSURE THAT THE EDUCATIONAL NEEDS OF EVERY CHILD IN A  
33 RESIDENTIAL FACILITY ARE ASSESSED IN A TIMELY MANNER;

34 (3) IMPLEMENT AND ADMINISTER THE EDUCATIONAL PROGRAMS  
35 DEVELOPED BY THE COUNCIL;

1           (4)     MEET WITH AND ADVISE THE COUNCIL ABOUT EDUCATION CENTERS  
2 AND EDUCATIONAL PROGRAMS AND THEIR OUTCOMES; AND

3           (5)     CONSULT WITH THE SECRETARY AND SENIOR ADMINISTRATOR OF  
4 EACH RESIDENTIAL FACILITY ABOUT THE OPERATION OF EDUCATIONAL SERVICES  
5 FOR THE PROGRAM.

6 22-305.

7       (A)   (1)     THERE IS A COORDINATING COUNCIL FOR JUVENILE SERVICES  
8 EDUCATIONAL PROGRAMS IN THE DEPARTMENT ~~OF JUVENILE SERVICES.~~

9           (2)     THE COUNCIL IS WITHIN THE STATE DEPARTMENT OF EDUCATION  
10 FOR ADMINISTRATIVE AND BUDGETARY PURPOSES.

11       (B)   (1)     THE COUNCIL CONSISTS OF SEVEN MEMBERS.

12           (2)     TWO OF THE MEMBERS SHALL BE RESIDENTS OF THE STATE  
13 APPOINTED BY THE GOVERNOR FOR A TERM OF 4 YEARS AND UNTIL A SUCCESSOR IS  
14 APPOINTED AND QUALIFIES.

15           (3)     THE FOLLOWING OFFICIALS SHALL SERVE AS EX OFFICIO MEMBERS  
16 OF THE COUNCIL:

17                   (I)     THE STATE SUPERINTENDENT OF SCHOOLS;

18                   (II)    THE SECRETARY OF BUDGET AND MANAGEMENT;

19                   (III)   THE SECRETARY OF JUVENILE SERVICES;

20                   (IV)   THE SECRETARY OF HIGHER EDUCATION; AND

21                   (V)     A COUNTY SUPERINTENDENT OF SCHOOLS, FROM A COUNTY IN  
22 WHICH A RESIDENTIAL FACILITY IS LOCATED, WHOM THE STATE SUPERINTENDENT  
23 SHALL SELECT WITH THE CONCURRENCE OF THE SECRETARY.

24       (C)   EACH MEMBER OF THE COUNCIL:

25           (1)     SERVES WITHOUT COMPENSATION; BUT

26           (2)     IS ENTITLED TO REIMBURSEMENT FOR EXPENSES IN ACCORDANCE  
27 WITH THE STANDARD STATE TRAVEL REGULATIONS.

28       (D)   (1)     THE STATE SUPERINTENDENT SHALL SERVE AS CHAIRMAN OF THE  
29 COUNCIL.

30           (2)     THE COUNCIL SHALL DESIGNATE THE TIME AND PLACE OF ITS  
31 MEETINGS AND MAY ADOPT RULES FOR THE CONDUCT OF THE MEETINGS.

32           (3)     THE STATE DEPARTMENT OF EDUCATION SHALL PROVIDE  
33 TECHNICAL AND CLERICAL ASSISTANCE AND SUPPORT TO THE COUNCIL.

1 22-306.

2 (A) (1) THE COUNCIL SHALL DEVELOP, RECOMMEND, AND APPROVE AN  
3 EDUCATIONAL PROGRAM FOR EACH RESIDENTIAL FACILITY.

4 (2) THE EDUCATIONAL PROGRAMS SHALL MEET THE SPECIAL NEEDS  
5 AND CIRCUMSTANCES OF THE CHILDREN IN THE RESIDENTIAL FACILITY.

6 (B) THE COUNCIL SHALL ADOPT REGULATIONS CONSISTENT WITH STATE  
7 LAW FOR THE CONDUCT AND MANAGEMENT OF THE EDUCATIONAL PROGRAMS.

8 (C) ON OR BEFORE OCTOBER 30 OF EACH YEAR, THE COUNCIL SHALL REPORT  
9 ITS ACTIVITIES TO THE GOVERNOR AND, IN ACCORDANCE WITH § 2-1246 OF THE  
10 STATE GOVERNMENT ARTICLE, TO THE GENERAL ASSEMBLY.

11 (D) (1) (I) THE COUNCIL SHALL ACTIVELY ADVOCATE AND PROMOTE THE  
12 INTERESTS OF EDUCATIONAL PROGRAMS AND OPPORTUNITIES IN PROGRAMS OF  
13 THE DEPARTMENT OF JUVENILE SERVICES.

14 (II) THE COUNCIL SHALL SEEK TO ENSURE THAT A QUALITY  
15 EDUCATION AND EQUAL EDUCATIONAL OPPORTUNITIES ARE AVAILABLE TO ALL  
16 CHILDREN IN THE CUSTODY OF THE DEPARTMENT.

17 (2) ON A REGULAR BASIS, THE COUNCIL SHALL REVIEW THE  
18 EFFECTIVENESS OF THE PROGRAM OF EDUCATIONAL INSTRUCTION USED IN THE  
19 RESIDENTIAL FACILITIES TO ENSURE THAT THE UNIQUE EDUCATIONAL NEEDS OF  
20 THE CHILDREN UNDER THE JURISDICTION OF THE DEPARTMENT OF JUVENILE  
21 SERVICES ARE BEING SATISFACTORILY MET.

22 (3) THE COUNCIL SHALL INCLUDE IN THE COUNCIL'S REVIEW  
23 STUDENTS' ABILITY TO:

24 (I) MAINTAIN AND IMPROVE EDUCATIONAL ACHIEVEMENT IN  
25 CORE SUBJECTS;

26 (II) ACQUIRE COURSE CREDITS THAT QUALIFY AS STATE  
27 REQUIREMENTS FOR GRADUATION; AND

28 (III) MAKE THE TRANSITION TO A REGULAR PROGRAM OR OTHER  
29 EDUCATIONAL PROGRAM OPERATED BY A MARYLAND SCHOOL SYSTEM.

30 (4) BASED ON ITS REVIEW, THE COUNCIL SHALL RECOMMEND AND  
31 ADVOCATE IMPROVEMENTS TO THE EDUCATIONAL SERVICES FOR RESIDENTIAL  
32 FACILITIES.

33 22-307.

34 THE DEPARTMENT SHALL SUBMIT AN ANNUAL REPORT TO THE STATE  
35 SUPERINTENDENT, THE GOVERNOR, AND, IN ACCORDANCE WITH § 2-1246 OF THE  
36 STATE GOVERNMENT ARTICLE, THE GENERAL ASSEMBLY ON THE AGGREGATE

1 EDUCATIONAL OUTCOMES OF THE EDUCATIONAL PROGRAM FOR EACH RESIDENTIAL  
2 FACILITY.

3 [22-301.] 22-308.

4 (a) The Department shall develop and implement an educational program  
5 designed to meet the particular needs of the population at the Charles H. Hickey, Jr.  
6 School in Baltimore County.

7 (b) (1) For each student placed at the Charles H. Hickey, Jr. School, the local  
8 school system in which the student was last enrolled shall transmit within 5 days of  
9 notice of the placement, the complete record of the student including medical  
10 information in the custody of the local school system.

11 (2) The Charles H. Hickey, Jr. School shall transmit the complete  
12 student record to the local school system where a student released from the Charles  
13 H. Hickey, Jr. School is enrolled within 5 days of notice of the student's enrollment.

14 (3) The State Superintendent may impose appropriate corrective action  
15 including withholding or redirection of funding if either a local school system or the  
16 Charles H. Hickey, Jr. School fails to comply with the timely transmission of the  
17 student record.

18 (c) The Department of Juvenile Services shall work cooperatively with the  
19 Department to:

20 (1) Facilitate the full implementation of the educational program at the  
21 Charles H. Hickey, Jr. School; and

22 (2) Make students available for attendance during scheduled class time.  
23 22-309.

24 THE DEPARTMENT OF JUVENILE SERVICES SHALL WORK COOPERATIVELY  
25 WITH THE DEPARTMENT TO FACILITATE THE IMPLEMENTATION OF THIS SUBTITLE.

26 22-310.

27 THE STATE SUPERINTENDENT SHALL ADOPT REGULATIONS TO CARRY OUT  
28 THIS SUBTITLE.

29 SECTION 2. AND BE IT FURTHER ENACTED, That the Director of Juvenile  
30 Services Educational Programs and the Coordinating Council for Juvenile Services  
31 shall assume the control and general management for the education service for all  
32 residential facilities on or before July 1, 2012.

33 SECTION 3. AND BE IT FURTHER ENACTED, That all appropriations held by  
34 the Department of Juvenile Services to carry out the exclusive functions of the  
35 Juvenile Services Education Program under this Act shall be transferred to the State  
36 Department of Education on the day the State Department of Education assumes

1 control over the educational programs of the Department of Juvenile Services, but not  
2 later than July 1, 2012.

3 SECTION 4. AND BE IT FURTHER ENACTED, That § 22-308 of the  
4 Education Article as enacted by this Act shall take effect on the taking effect of §  
5 22-301 of the Education Article as enacted by Chapter 53, Section 5 of the Acts of the  
6 General Assembly of 2003.

7 SECTION ~~2~~ 5. AND BE IT FURTHER ENACTED, That, except as provided in  
8 Section ~~3~~ 4 of this Act, this Act shall take effect June 1, 2004.